

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RACHEL A. PRICE, an individual; and
TESSA V. GEHARDT, an individual,

Plaintiffs,

v.

EQUILON ENTERPRISES LLC, d/b/a
SHELL OIL PRODUCTS US, a
Delaware Limited Liability Company,

Defendant.

CASE NO. C11-1553-JCC

ORDER

This matter comes before the Court on Plaintiffs' motion for leave to file motions to amend their complaint and take discovery (Dkt. No. 224). This case was remanded from the Ninth Circuit Court of Appeals, which found that a jury instruction given at trial incorrectly stated the law. (Dkt. No. 220 at 3.) On remand, the Court set a new trial date of January 29, 2018 and stated: "No further discovery or motions practice shall be permitted." (Dkt. No. 223 at 1.)

Plaintiffs have continued to work for Defendant since the trial, and they allege that they have continued to experience discrimination. (Dkt. No. 224 at 2.) They wish to introduce evidence of this new discrimination at the retrial. (*Id.*) Accordingly, they ask the Court for an order granting them leave to file (1) a motion for leave to file an amended complaint, and (2) a motion for leave to take additional discovery, limited to facts and events that occurred after the

1 first trial. (*Id.* at 1.)

2 Defendant opposes the motion. (Dkt. No. 225.) It argues that it would be prejudiced if it
3 were required to conduct discovery into the new allegations and try this case by January 29, only
4 seven months away. (*Id.* at 2.) Defendant further asserts the Ninth Circuit's mandate was to retry
5 the case as it stood in 2014, not to try an entirely new case. (*Id.* at 5.)

6 The Court agrees. This case was remanded on a narrow issue. It is a retrial, not an
7 opportunity to reopen litigation. Plaintiffs' motion (Dkt. No. 224) is DENIED.

8 DATED this 20th day of June, 2017.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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